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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,711	10/25/2001	David B. Lloyd	11656-027-999 (341245-999)	5399
7590 07/03/2006			EXAMINER	
Jones Day 222 East 41st Street New York, NY 10017			PANOS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 07/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,711

Applicant(s)

LLOYD ET AL.

Examiner

Jeffrey C. Panos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 11 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

The second limitation of claim one states "among the identified changes, selecting those that add a new dependency on the / a state;" where the Examiner recommends the Applicant add either the words "the" or "a" so that the limitation reads grammatically correct. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 11, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajiri et al. (US Patent No. 6,251,010 B1) hereinafter Tajiri.

Tajiri discloses a game machine apparatus and method with enhanced time-related display of pokemon-type characters. Characters are captured in the game and may be used to produce additional characters that would increase the type of collected monsters for the player (col. 9: 3-20). When the player collects several of the same types of monsters, they may exchange one of them for another type of monster that is owned by, for example, a friend. This exchange

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may also take place between different game versions. Tajiri discloses comparators to identify these changes from the source code for the first version of the game to the source code of the second version of the game (col. 4: 1-19, col. 15: 25-48, and col. 16: 33-52). Source code is compared between the two games to ensure compatibility and determine differences such as with sex data, virus-infection data, or the like (col. 9: 21-31). These changes, or differences, are identified by one-bit data in the fields J1 to J3 and are stored in the field I9 at the time of data transfer, thus the changes are selected. However, Tajiri lacks in specifically disclosing that the identified changes add new dependency on a state. The determinations of data would have an effect on the state of the characters and would affect their state on whether they can be of help to increase the new owner's monsters, thus the changes add new dependency on a state and would have been obvious to one of ordinary skill in the art. For example, referring to the sex data state, there is a rule for such a state that is employed to determine the sex of the monster, which may further be determined by a random number or by the clock (col. 9: 40-48). Such information is stored in RAM 12 where the program code for each is also contained in order to identify differences when loading states after transfer of characters (Figure 2, col. 7: 12-20).

Response to Arguments

Applicant's arguments filed July 13, 2005 have been fully considered but they are not persuasive. Arguments regarding the reference Kawamura (JP 10-021066) are moot in view of the rejection over Tajiri.

Applicant contends that "The Examiner has not pointed to, and applicant cannot locate in Tajiri, any indication of how Tajiri's rules are generated." Applicant further makes a determination that "Tajiri's rules are manually generated...." The Examiner respectfully disagrees. Tajiri discloses that the rules are predetermined and written in the 'J' fields of RAM 12 when transferring characters between an old and new version of the game (col. 9: 40-48). Such data is not "manually" entered or generated. The one-bit data that determines the type of data being transferred indicates what version the data is from (col. 9: 27-31, 35-39). This occurs during the transfer and there is no mentioning whatsoever of manual generation of data or rules.

Conclusion

The present Office Action has been made Non-Final because of the new grounds of rejection.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Panos whose telephone number is (571) 272-6136. The examiner can normally be reached on M-F 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey C. Panos
June 13, 2006


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
TC 3700